

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1052 of 2023

Petitioner :- Bajrang Bali And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue , U.P. Lucknow And Others

Counsel for Petitioner :- Ram Sajivan Verma,Rakesh Kumar Singh

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioners, Shri Anil Kumar Singh Visen, learned Standing Counsel for State-respondent Nos.1 to 6 and learned counsel for respondent No.7 -Gaon Sabha as well as learned counsel for respondent No.8.

2. Pursuant to the order passed by this Court on 08.11.2023, Shri Ram Asre Verma, Sub Divisional Magistrate, Tehsil- Ram Sanehigaht, District Barabanki is present in person.

3. It is not in dispute that the implementation of U.P. Jal Jeevan Mission at the site in question has progressed considerably and the documents show that 30% of the work has been carried out. Some objections have come to be raised on behalf of the villagers seemingly on the ground that a local temple also exists on a small portion of *navin parti*. A school building is also situated in the adjacent area.

4. Once a considerable amount of fund has been utilised for

installation of a water tank, there appears to be no reason as to why the resolution passed by the Gram Panchayat for construction of water tank may not be carried out which benefits one and all. The objections raised by the villagers seem to be misplaced as the land in question cannot be utilised for any religious purpose.

5. We, however, make it clear that the small area of land upon which the temple exists may be left open for worship of deity and an alternative land of equal area may be required to be provided by the villagers in order to maintain the sanctity of faith.

6. The water tank as per the resolution made by the local gram panchayat where the construction has progressed considerably may be carried out and completed, expeditiously, in accordance with law.

7. The P.I.L. is, accordingly, **disposed of**.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 29.11.2023
Shubhankar